

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 153

STATE BOARD OF FIRE CONTROL

Mechanical Licensing

Section 153:27

153:27 Definitions. – In this subdivision:

I. "Board" means the mechanical licensing board established in RSA 153:27-a.

II. "Domestic appliance technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas domestic appliances designed specifically for residential use, limited to residential clothes dryers and their venting systems, domestic stove tops, cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.

III. "Fuel gas fitter" means a hearth system installation and service technician, a fuel gas installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by this subdivision.

IV. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

V. "Fuel gas installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VI. "Fuel gas piping installer" means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

VII. "Fuel gas service technician" means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VIII. "Fuel gas trainee" means any person engaged in the process of meeting the licensing requirements of this subdivision, who shall work under the supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or first stage regulator, and the repair or installation of residential and nonresidential heating equipment systems, hot water heating systems, or hearth equipment systems utilizing liquefied propane gas or natural gas.

IX. "Hearth system installation and service technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

X. "Journeyman plumber" means any person who customarily performs the work of installing, maintaining, and repairing plumbing and drainage under the direction of a master plumber.

XI. "License" means any license issued pursuant to this subdivision.

XII. "Master plumber" means any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for its own account.

XIII. "Person" means an individual, natural person.

XIV. "Plumbing" means the practice, materials, and fixtures used in the installing, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems. For the purposes of this subdivision, the term "plumbing" shall not apply beyond the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building.

XV. "Plumbing apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship advisory council established in RSA 278.

XVI. "Water treatment system" means any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus.

XVII. "Water treatment technician" means any person who installs, maintains, or repairs water treatment systems.

XVIII. "Water treatment trainee" means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this subdivision.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2008, 170:1, eff. Jan. 1, 2009. 2010, 140:1, eff. July 1, 2010. 2013, 275:5, eff. July 1, 2013.

Section 153:27-a

153:27-a Mechanical Licensing Board. – There is hereby established as a unit within the division of fire safety a mechanical licensing board. The term of office for the members appointed to the board shall be 3 years and until a successor is appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. No member of the board shall be appointed to more than 2 consecutive terms. A member of the board shall serve as the board secretary.

I. (a) No member of the board may be associated with the formal education for licensing, and/or be provider or an employee of a provider for continuing education for any profession or trade licensed under this subdivision.

(b) A public member of the board shall be a person who is not, and never was, a member of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing and/or fuel gas services or an activity directly related to plumbing and/or fuel gas, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

II. The board shall:

(a) Adopt rules as provided for in this subdivision.

(b) Implement the licensing program under this subdivision.

(c) Review and approve educational programs and providers.

(d) Conduct hearings for disciplinary actions.

(e) Review and recommend adoptions, exceptions, or omissions to technical standards as adopted under RSA 153:28.

(f) Develop and recommend for the legislature future changes to this subdivision.

III. The members of the board shall be appointed by the governor and council as follows:

(a) Two licensed journeymen or master plumbers, who are actively working in the trade as plumbers.

(b) Two licensed fuel gas fitters, both of whom are actively working in the trade as fuel gas fitters, and one of whom shall represent the propane fuel industry.

(c) One certified heating equipment installer or heating equipment service person under RSA 153:16-b.

(d) One licensed master plumber who is also a licensed fuel gas fitter and a certified heating equipment installer or servicer, actively working in the trade.

(e) One public member who is not, and never was, a member of the plumbing trade or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of plumbing services or an activity directly related to plumbing, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

(f) One certified water treatment technician, who shall be a nonvoting member of the board.

IV. The board shall hold at least 8 regular meetings each year, and may hold special meetings at such times as the business of the board may require. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide and in accordance with New Hampshire state law. A quorum of the board shall consist of 4 members.

V. The board shall annually elect a chairman and a vice-chairman from among its members.

VI. The secretary of the board shall receive at least monthly an accounting from the department of all moneys derived under the provisions of this subdivision.

Source. 2013, 275:6, eff. July 1, 2013.

Section 153:28

153:28 Rulemaking. –

1. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper implementation of the licensure requirements established in this subdivision, which shall include the following:

(a) Standards regarding requirements for education or its equivalent, field experience or its equivalent in an approved educational setting, and testing for applicants for initial licensure for the following specialty licenses:

(1) Hearth system installation and service technician.

(2) Fuel gas installation technician; provided that the standards adopted in rules shall require 1,000 hours of field experience, or its equivalent in an approved educational setting, within a 60-month period relevant to the installation, servicing, and repair of gas appliances or equipment and that up to 500 hours of relevant field experience installing, servicing, or repairing heating oil fired appliances or equipment within the 60-month period may be used to meet the required 1,000 hours.

(3) Fuel gas service technician; provided that the standards adopted in rules shall require 2,000 hours of field experience, or its equivalent in an approved educational setting, within a 60-month period relevant to the installation, servicing, and repair of gas appliances, equipment, or gas piping and that up to 750 hours of relevant field experience installing, servicing, or repairing heating oil fired appliances or equipment within the 60-month period may be used to meet the required 2,000 hours.

(4) Fuel gas piping installer; provided that the standards adopted in rules shall require 1,000 hours of field experience, or its equivalent in an approved educational setting, within a 60-month period relevant to the installation of gas piping and that up to 500 hours of relevant field experience installing, servicing, or repairing heating oil fired appliances or equipment within the 60-month period may be used to meet the required 1,000 hours.

- (5) Fuel gas trainee.
- (6) Domestic appliance technician.
- (7) Master plumber.
- (8) Journeyman plumber.
- (9) Apprentice plumber.

(b) Standards for license renewal and continuing education requirements. Continuing education requirements may be fulfilled in full or in part by training programs approved by the board. The rules shall address the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

(c) The implementation of reciprocity agreements entered into pursuant to paragraph V.

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the general fund.

III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall adopt technical standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable codes as adopted by the state of New Hampshire.

IV. The state fire marshal shall assist and support the board in administering and enforcing the provisions of this subdivision.

V. The board may enter into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from states which have a mutual mechanical licensing reciprocity agreement with this state, for all mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for licensure in that state are equivalent to, or greater than, those established by this subdivision.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2008, 234:1, eff. June 20, 2008. 2010, 140:2, 3, eff. July 1, 2010. 2013, 275:7, eff. July 1, 2013.

Section 153:29

153:29 Examinations; Licenses. –

I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure shall be prescribed by the board. This may include an outside organization approved by the board.

II. Each license issued by the board shall identify which of the following special licenses or license endorsements apply to the licensee:

- (a) Hearth system installation and service technician.
- (b) Fuel gas installation technician.
- (c) Fuel gas service technician.
- (d) Fuel gas piping installer.
- (e) Fuel gas trainee.
- (f) Domestic appliance technician.
- (g) Master plumber.
- (h) Journeyman plumber.
- (i) Apprentice plumber.

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The licensee shall have in his or her possession a current biennial license issued by the board. The license shall be available for inspection on request. The board shall issue a license suitable to be carried by the individual licensee.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2010, 140:4, eff. July 1, 2010. 2013, 275:8, eff. July 1, 2013.

Section 153:29-a

153:29-a Mechanical License; Business Entities. –

I. The board may issue a business entity a license without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a fuel gas service technician or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the board and, if no other officer, partner, manager or designee, is licensed as a fuel gas service technician or master plumber, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other officer, member, or designee, has obtained a license as a fuel gas service technician or master plumber. Notwithstanding any other provision of law, the board shall not require a fee for a business entity engaged in fuel gas fitting and/or plumbing where a licensed fuel gas service technician or master plumber is the sole individual holding the license of the business entity.

II. All licenses issued under this section shall expire every 2 years on the last day of January. The board shall renew a valid license issued under this section on receipt of an application for renewal and the required fee before the expiration date of the license.

III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the state fire marshal and with the approval of the commissioner of safety, shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in addition to those in this subdivision for a fuel gas fitter license or plumber for business entities issued pursuant to this section.

IV. The board shall establish a fee structure for mechanical business entities by providing the following:

(a) Fees not to exceed \$250 for a business entity which employs no less than one additional licensee and not more than 5 employees required to be licensed under this subdivision.

(b) Fees not to exceed \$400 for a business entity employing not more than 20 employees required to be licensed under this subdivision.

(c) Fees not to exceed \$600 for a business employing 21 or more employees required to be licensed under this subdivision.

(d) Application, renewal, late renewal and re-instatement fees.

V. A licensed business entity may apply for and receive a permit from any municipality within the state.

Source. 2008, 170:2, eff. Jan. 1, 2009. 2013, 275:8, eff. July 1, 2013.

Section 153:30

153:30 Expiration and Renewal. –

I. Licenses shall be renewed as follows:

(a) Except for licenses issued pursuant to RSA 153:29-a, all licenses shall expire every 2 years on the last day of the month of the holders birth. The board shall renew a valid license issued under this subdivision on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a person or business entity fails to renew a license prior to expiration, the person or business entity may have the license reinstated within 365 days of its expiration by paying the late fee in addition to the renewal fee. A late fee is not required during the first 30 days of expiration.

(c) Except for licenses issued pursuant to RSA 153:29-a, any application received 365 days or more after the expiration of the license shall be rejected unless accompanied by proof of successful completion of the examination required under RSA 153:29 subsequent to its expiration.

(d) Except for applications received pursuant to RSA 153:29-a, applicants for license renewal shall provide to the board evidence of completion of continuing education within the previous 24-month period.

II. Upon the request of a licensed fuel gas fitter or licensed plumber who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the board shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

III. The board shall assess a reinstatement fee for any individual or business entity license upon completion of a suspension or revocation period resulting from disciplinary action pursuant to RSA 153:32, IV.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2008, 170:3, eff. Jan. 1, 2009. 2010, 140:5, 6, eff. July 1, 2010. 2013, 275:8, eff. July 1, 2013.

Section 153:31

153:31 Emergencies. – The commissioner of the department of safety is authorized, at his or her discretion, to waive the requirements of this subdivision for the purpose of restoring service during an emergency, as declared by the commissioner.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2013, 275:8, eff. July 1, 2013.

Section 153:32

153:32 Disciplinary Action. –

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision;
- (b) Conviction of any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;
- (c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession, or such conduct that poses risk to public health, safety, or welfare to individuals affected by the practices or actions of the licensee;
- (d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision;
- (f) Mental or physical incompetence to practice under this subdivision;
- (g) Willful or repeated violation of the provisions of this subdivision; or
- (h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand;
- (b) By suspension, limitation, or restriction of license for a period of up to 5 years after hearing before the board pursuant to RSA 541-A, unless waived by the licensee;
- (c) By revocation of license after hearing before the board pursuant to RSA 541-A, unless waived by the licensee;
- (d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient; or
- (e) By immediate suspension pursuant to RSA 541-A:30.

IV. The board shall assess a reinstatement fee for all suspended or revoked licenses of license holders seeking restoration of the license after the prescribed disciplinary time period.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2010, 140:7-9, eff. July 1, 2010. 2013, 275:8, eff. July 1, 2013.

Section 153:33

153:33 Appeals From Board Decisions. –

I. (a) A party to the proceedings shall have the right to file a petition with the superior court or the department of safety bureau of hearings to request a review of the final order of the board within 30 days of the date of the final order.

(b) For appeals through the bureau of hearings, the bureau of hearings shall review the record as developed before the board, together with any written legal argument presented to the bureau at the earliest practical time. Based on that review, the bureau may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the bureau may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the bureau of hearings. The burden of proof shall be on the appellant to show that the decision of the board was unreasonable or unlawful.

(c) No new or additional evidence shall be introduced in the bureau of hearings, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake, or misfortune could not have been offered before the board, the bureau of hearings shall remand the case to the board to receive and consider such additional evidence.

II. (a) A party to the proceeding shall have the right to file a petition in the superior court of the county in which the licensee resides to review the final order of the board or the bureau of hearings within 30 days of the date of the final order.

(b) At the earliest practical time, the court shall review the record as developed before the board and/or the bureau of hearings, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the board or order that oral argument be held. As justice may require, the court may remand the case to the board for further findings and rulings. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the board shall not be raised before the superior court. The burden of proof shall be on the appellant to show that the decision of the board was unreasonable or unlawful.

(c) No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if justice requires the review of evidence which by reason of accident, mistake, or misfortune could not have been offered before the board, the superior court shall remand the case to the board to receive and consider such additional evidence.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2008, 170:4, eff. Jan. 1, 2009. 2013, 275:8, eff. July 1, 2013.

Section 153:34

153:34 Inspectors. –

I. The state fire marshal with the approval of the board and the commissioner of safety shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare. Any person so employed shall be under the administration and supervisory direction of the state fire marshal.

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B.

III. An inspector appointed under this subdivision may order the removal or correction of any violation of this subdivision.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2013, 275:8, eff. July 1, 2013.

Section 153:35

153:35 Local Enforcement. – The rules adopted by the mechanical licensing board pursuant to RSA 153:28, may be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2013, 275:8, eff. July 1, 2013.

Section 153:36

153:36 Exceptions. –

I. The license requirements of this subdivision shall not apply to anyone who performs fuel gas fitting within an existing single family, stand alone structure owned and occupied by the person who performs the fuel gas fitting work, and such structure is used as the individual's primary residence. Notwithstanding any provision to the contrary, any person who is exempt under this paragraph shall perform fuel gas fitting work in accordance with applicable technical standards, and comply with any applicable code, application, and inspection requirements that may apply to the fuel gas fitting work performed.

II. The license requirements of this subdivision shall not apply to persons performing tasks covered by federal and state regulation of public utilities pursuant to 49 C.F.R. part 192 and rules of the New Hampshire public utilities commission for gas service.

III. The license requirements of this subdivision shall not apply to any plumbing or fuel gas fitting installations in residential buildings performed by students enrolled in a high school vocational plumbing or fuel gas fitting program approved by the department of education or an approved postsecondary vocational plumbing or fuel gas fitting program, provided such work is performed under the supervision of either a person holding a valid license for the trade that he or she is supervising or by a licensed plumber or fuel gas fitter who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the mechanical licensing board. Any person nominated by the board shall hold a master plumber's, fuel gas installation technician, fuel gas service technician, or piping installer license issued by the board.

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment.

V. The license requirements of this subdivision shall not apply to any welder who shall hold a current and valid certification for welding as authorized by the American Society of Mechanical Engineers (ASME), who is supervised by a licensed fuel gas fitter or master plumber, for the sole purpose of joining pipe and pipe fittings, through the appropriate certified welding processes, to piping systems, under the direct supervision of the licensed fuel gas fitter or master plumber.

VI. The license requirements of this subdivision shall not apply to any member of the New Hampshire National Guard while in a unit training assembly status and enrolled in a plumbing program as part of their military training. Such training shall only be provided under the supervision of an instructor who holds a current plumber's license under this subdivision.

VII. The plumbing license requirements of this subdivision shall not apply to any person or business entity that performs plumbing in connection with the installation of any heating, cooling, air conditioning or domestic water heating systems, whether solar, oil, gas, or electric, or the installation and servicing of water treatment systems or swimming pools. Any person or business entity that is exempt under this paragraph shall perform plumbing in accordance with applicable technical standards, and comply with any code, application, and inspection requirements that apply to the plumbing performed.

VIII. The license requirements of this subdivision shall not apply to the following persons while performing plumbing work under the circumstances specifically described; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the state plumbing code:

(a) To regular employees of public utilities, as defined in RSA 362:2, when working as such.

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include installation and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

(c) To a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or property owner's agent who makes minor installations, repairs, or replacements to the owner's property.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2010, 140:10, eff. July 1, 2010. 2013, 275:8, eff. July 1, 2013.

Section 153:37

153:37 Penalties. –

I. Any person or business entity who performs fuel gas fitting or plumbing without first having obtained a license, shall be guilty of a misdemeanor.

II. Any person or business entity who violates any rule adopted under RSA 153:28 or whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be guilty of a misdemeanor.

III. Any person or business entity which procures any license based upon inaccurate information contained on an application, or procures any license by fraud, shall be guilty of a misdemeanor.

IV. Any person who performs fuel gas fitting or plumbing without first having obtained a license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel gas fitting or plumbing results in serious bodily injury or death, shall be guilty of a felony.

IV-a. Any person or business entity employing a person to perform fuel gas fitting or plumbing when the employed person is not in training and does not have a current valid fuel gas fitting or plumbing license issued pursuant to this subdivision or rules adopted pursuant to this subdivision, shall be guilty of a misdemeanor.

Source. 2006, 206:3, eff. Jan. 1, 2007. 2008, 170:5, eff. Jan. 1, 2009. 2013, 275:8, eff. July 1, 2013.

Section 153:38

153:38 Voluntary Certification of Water Treatment Technicians; Examinations. –

I. Any person who has acted as a water treatment trainee for a period of not less than one year shall, upon payment of the fees established by the board, be entitled to examination and, upon achieving the passing score on the examination, be certified as a water treatment technician. A certificate issued under this section shall be carried on the person and displayed at any time upon request. Any person failing to achieve the passing score on the examination may be examined as often as he or she may desire.

II. The title "certified water treatment technician" shall be used only by persons and business entities certified under this section. No person shall continue to represent himself or herself and no business entity shall continue to represent itself as a certified water treatment technician after certification has been revoked or nonrenewed under this section.

III. The board may issue, upon payment of the required fees, certification without examination to a corporation, partnership, limited liability company, or other business entity that installs, maintains, or repairs water treatment systems, provided the entity designates one employee certified under this chapter who is responsible for the entity's compliance with this subdivision and the rules adopted by the board. Within 30 days after termination of employment of such employee by such entity, he or she shall give notice thereof to the board and, if no other employee is certified under this section, the entity shall not represent itself as employing certified water treatment technicians until some other employee has obtained certification. The board shall not require an additional fee for an entity that installs, maintains, or repairs water treatment systems where the person certified under this section is the sole owner of the entity.

IV. The board may issue certification without examination to those water treatment technicians who provide adequate documentation of having operated in the capacity of a water treatment technician for a period of at least one year prior to January 1, 2004 and who pay the required fees.

V. The board, with the approval of the commissioner, shall adopt rules pursuant to RSA 541-A to implement the certification requirements established in this section, including the application procedure and any eligibility requirements in addition to those in this section for certification as a certified water treatment technician or water treatment trainee, the renewal of certification and reinstatement of certification, and to establish the fees for certification of water treatment technicians and water treatment trainees.

Source. 2013, 275:9, eff. July 1, 2013.

Certification of Heating Equipment Installers

Section 153:16-b

153:16-b Certification of Heating Equipment Installers and Heating Equipment Service Personnel; Penalty. –

I. The mechanical licensing board established in RSA 153:27-a shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and non-residential heating equipment systems, water heating systems, or appliances using heating oil.

(b) Individuals involved in the servicing and repair of heating equipment, water heating systems, or appliances using heating oil.

II. The mechanical licensing board with the approval of the commissioner shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers and heating equipment service personnel.

III. The mechanical licensing board with the approval of the commissioner shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the general fund.

IV. Whoever falsely claims to be certified under this section through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Source. 2003, 300:1, eff. Aug. 17, 2003. 2006, 206:4, eff. Jan. 1, 2007. 2013, 275:3, eff. July 1, 2013.